

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Jordan J.N. TANG et al.

Application No.: 10/820,953

Confirmation No.: 9733

Filed: April 8, 2004

Art Unit: 1654

For: INHIBITORS OF MEMAPSIN 2 AND USE  
THEREOF

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Examiner: A. Mohamed

**COMMUNICATION REGARDING**  
**FEE DEFICIENCY RELATED TO ENTITY STATUS AND**  
**NOTICE OF STATUS UNDER 37 C.F.R. §1.28(C)**

MS Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

A good faith error appears to have been made by prior counsel regarding the entity status of the above-referenced patent application and some fee payments appear to have been made in error, claiming small entity discount, which should have been large entity status. As required under 37 C.F.R. §1.28(c), Applicants include in this submission an itemization of deficiencies owed from the previous erroneous payments and include the calculated deficiency payment.

Small entity fees were paid in the filing of a response to an Office Action with a one month extension on October 23, 2006. Applicants are enclosing the amount of \$60.00 to provide the difference between the amount to be paid as a large versus small entity. Pursuant to 37 C.F.R. §1.28(c), this fee (representing the deficiency) is based on the amount of the fee in effect at the time the deficiency is paid in full.

It is noted by the Applicants that the Notice of Allowance and Fees Due mailed 1/17/2007 in connection with the present application correctly lists the entity status of this case as large entity (as "NO" appears under "Small Entity" on form PTOL-85). Thus no change in the entity status appears to be necessary as the Office has the entity status correctly assigned as LARGE ENTITY.

As required under 37 C.F.R. §1.28(c)(2), to correct this oversight and in order for the error in payments to be excused we hereby submit an itemization of all erroneous small entity payments and the differential fees, together with the deficiency payment.

**Itemization of all erroneous small entity payments and the differential fees:**

TYPE OF FEE	DATE PAID	SMALL ENTITY FEE PAID	CURRENT FEE AMOUNT	LARGE ENTITY DIFFERENTIAL FEE
Extension for response within one month	October 23, 2006	\$ 60.00	\$ 120.00	\$ 60.00
<b>TOTALS</b>		<b>\$ 60.00</b> (Total Fees Previously Paid)	<b>\$ 120.00</b> (Current Fee Amount)	<b>\$ 60.00</b> (Corrected Fee Amount to be charged to Deposit Account No. 03-1952.)

Based upon the above, Applicant believes the differential between the small entity fees previously paid and the large entity fees now owing should total \$60.00. Applicant requests this *differential fee* be paid from our **Deposit Account No. 03-1952** referencing docket no. 578352001702. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: April 3, 2007

Respectfully submitted,

Electronic signature: /Kimberly A. Bolin/  
Kimberly A. Bolin  
Registration No.: 44,546  
MORRISON & FOERSTER LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
(650) 813-5740